



US Army Corps
of Engineers
St Paul District

APPLICANT: Timber Valley
Development
Company

Public Notice

ISSUED: 19 August 2003
EXPIRES: 18 September 2003

REFER TO: 03-05976-TJF

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material into approximately 2.95 acres (128,624 square feet) of unnamed wetlands during the construction of a roadway system that would service a proposed residential development in Columbus Township. The 215 acre site would be developed into 25 large single family house lots.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 620 Civic Heights Drive
Circle Pines, MN 55014

AGENT: Earth Science Associates, Inc.
37445 Grand Avenue,
North Branch, MN 55056
(651) 674-6210

PROJECT LOCATION: The project site is located in the NW 1/4 Sec. 31, T. 32N., R. 22W., Anoka County, Minnesota. The approximate UTM coordinates are Zone 15 North 5007100, East 489100.

DESCRIPTION OF PROJECT: The applicant has estimated that about 2.95 acres of wetland would be filled to construct the roadway, which would run basically north and south through the development; and two driveways. The plans do not indicate any wetland fill/encroachment for house pads or yards. Several storm water ponds are proposed at upland locations.

VEGETATION IN AFFECTED AREA: According to a wetland delineation report and a revised plan, the project would impact a variety of wetland communities, including wetland Types 2, 3, 6, and 7. Species listed in the project area include reed canary grass, cinnamon fern, sensitive fern, cattails, bulrush, sedges, dogwood, sandbar willow, alder, aspen, ash, box elder and black willow. Because the project site is in an area of Anoka County where Natural Heritage Inventory plant communities are found, the applicant had a botanical survey done for State rare and endangered species. No plants, such as tubercles rein-orchid, cross-leaved milkwort, twisted yellow-eyed grass or lance-leaved violet, were found.

An approximate breakdown of wetland fill (acres) by wetland type is:
Type 2 - 0.7; Type 3 - 0.1; Type 6 - 1.7; Type 7 - 0.4

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ALTERNATIVES: The applicant described alternatives that had been considered - one of which would have impacted about 3.75 acres of wetland. This alternative included the construction of an east extension street which would have created access to an upland area along the east property line, where 4 home sites were proposed. Under the current plan, this area would be accessed from upland to the east. Another alternative would have involved encroachment into wetter areas of Type 3, 4 and 5 wetlands. Based on comments from local and state agencies, the applicant revised the road alignment (generally moving it to the west) to avoid the wetter areas and reduced the number of lots from 32 down to 25. The current plan would impact 2.86 acres of wetland.

The applicant is also planning to utilize a curb and gutter road design rather than road side slopes and a ditch section in order to reduce the width of disturbance and minimizing wetland impacts. Culverts would be installed at the wetland crossings to maintain flow.

MITIGATION: The applicant proposes to excavate upland areas adjacent to the existing wetlands in order to create replacement wetland areas. The plans indicate the construction of about 6.0 acres of new wetland at 3 locations on the site. Anticipated water depths in all 3 basins would be less than 6 feet, with most areas being less than 3 feet deep. Upland buffer areas and the proposed storm water management ponds would provide public value credits for purposes of the Minnesota Wetland Conservation Act (WCA). The applicant intends to establish a mitigation bank with any of the excess new wetland and public value credit areas. The necessary WCA bank application procedures would need to be followed.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 190 Fifth Street East, Saint Paul, MN 55101-1638.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Timothy J. Fell at the St. Paul office of the Corps, telephone number (651) 290-5360.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Anoka County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

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Species

Habitat

Bald eagle (T)

Breeding

Karner blue butterfly (E)

Savannas with wild lupine

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This project comes under the regulatory jurisdiction of the Corps of Engineers because the unnamed wetlands being impacted are part of a large wetland complex, that includes State Protected Wetland 529P, which is adjacent to Coon Creek or drainage ways that flow into Coon Creek. Coon Creek is a primary tributary of the Mississippi River, a navigable water of the United States.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED: Coon Creek Watershed District; Columbus Township

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the MPCA. If MPCA needs any additional information in order for the Section 401 application to be considered complete by MPCA, the MPCA has indicated that it will request such information from the applicant. It is the permit applicant's responsibility to ensure that the MPCA has received a valid, complete application for state Section 401 certification and to obtain a final Section 401 action from the MPCA.

The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. The MPCA has also indicated that the Section 401 process shall begin to commence upon the issuance date of this public notice unless the MPCA notifies both the St. Paul District and the permit applicant to the contrary, in writing, before the expiration date of this public notice.

The MPCA has eliminated the staffing resources for the Section 401 certification program due to budgetary limitations. Due to staff

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reductions, MPCA is intending to waive many section 401 certification applications with limited exceptions but the MPCA reserves the right and authority to proceed differently if extreme or unique circumstances merit a different approach. In many cases, the waiver of 401 certification means that the MPCA has not reviewed federally permitted projects in detail for conformance with state water quality standards nor has the MPCA made a determination of the proposal's compliance with state water quality standards. This waiver action, however, will not exempt the applicant from the responsibility of complying with all applicable water quality standards and requirements as contained in Minn. R. ch. 7050 and all other applicable state rules regarding water quality. The applicant will need to make a self-determination of water quality compliance of their proposal. In the event of water quality violations caused by the applicant's project, enforcement action may be taken by the MPCA.

Any comments relative to MPCA's intention to waive Section 401 Certification for the activity proposed in this public notice may be sent to:

Minnesota Pollution Control Agency
Regional Environmental Management Division
Attention 401 Certification
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if there are known cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important

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resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

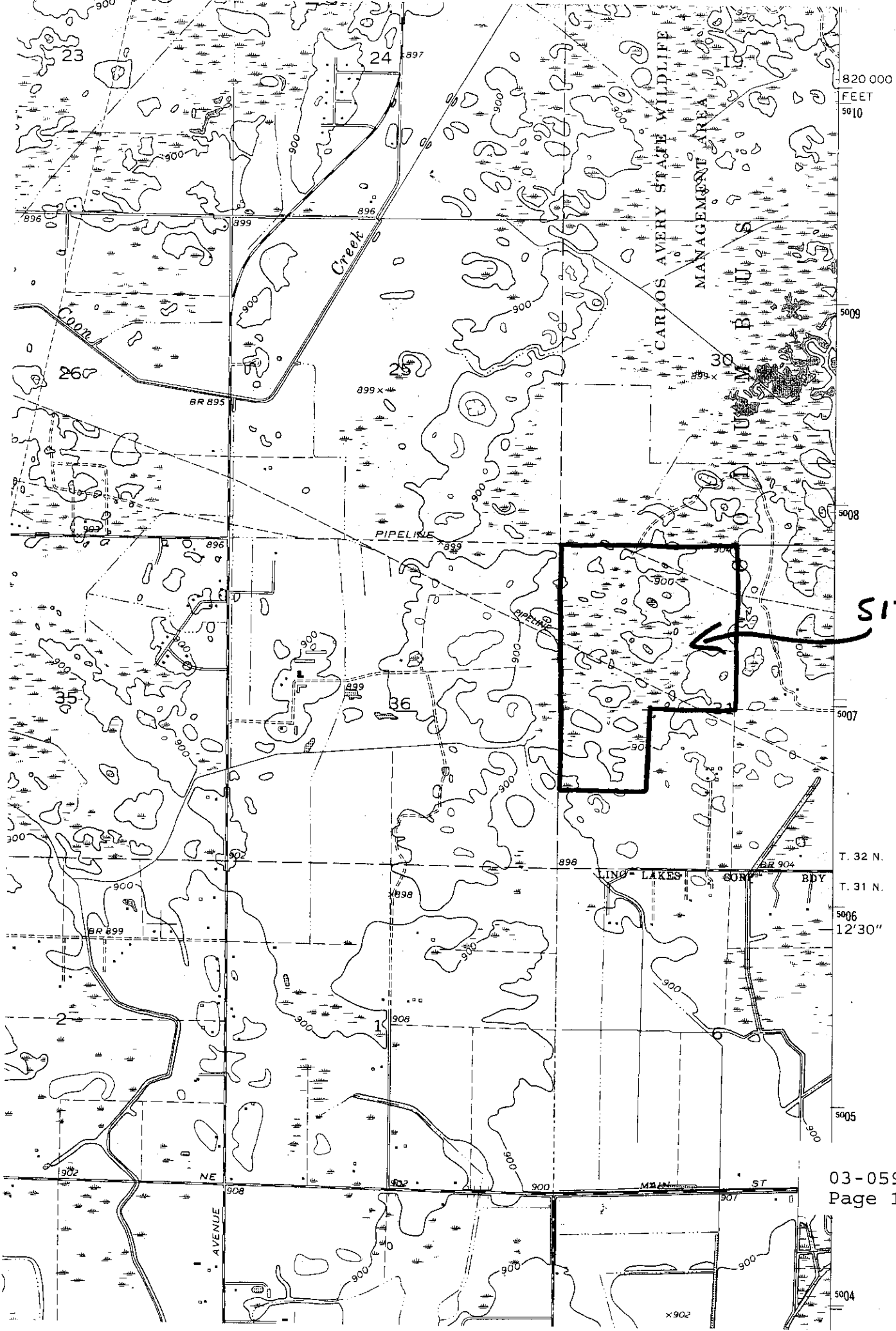
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.



Ralph J. Augustin
Chief, Metro Permit Section

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.



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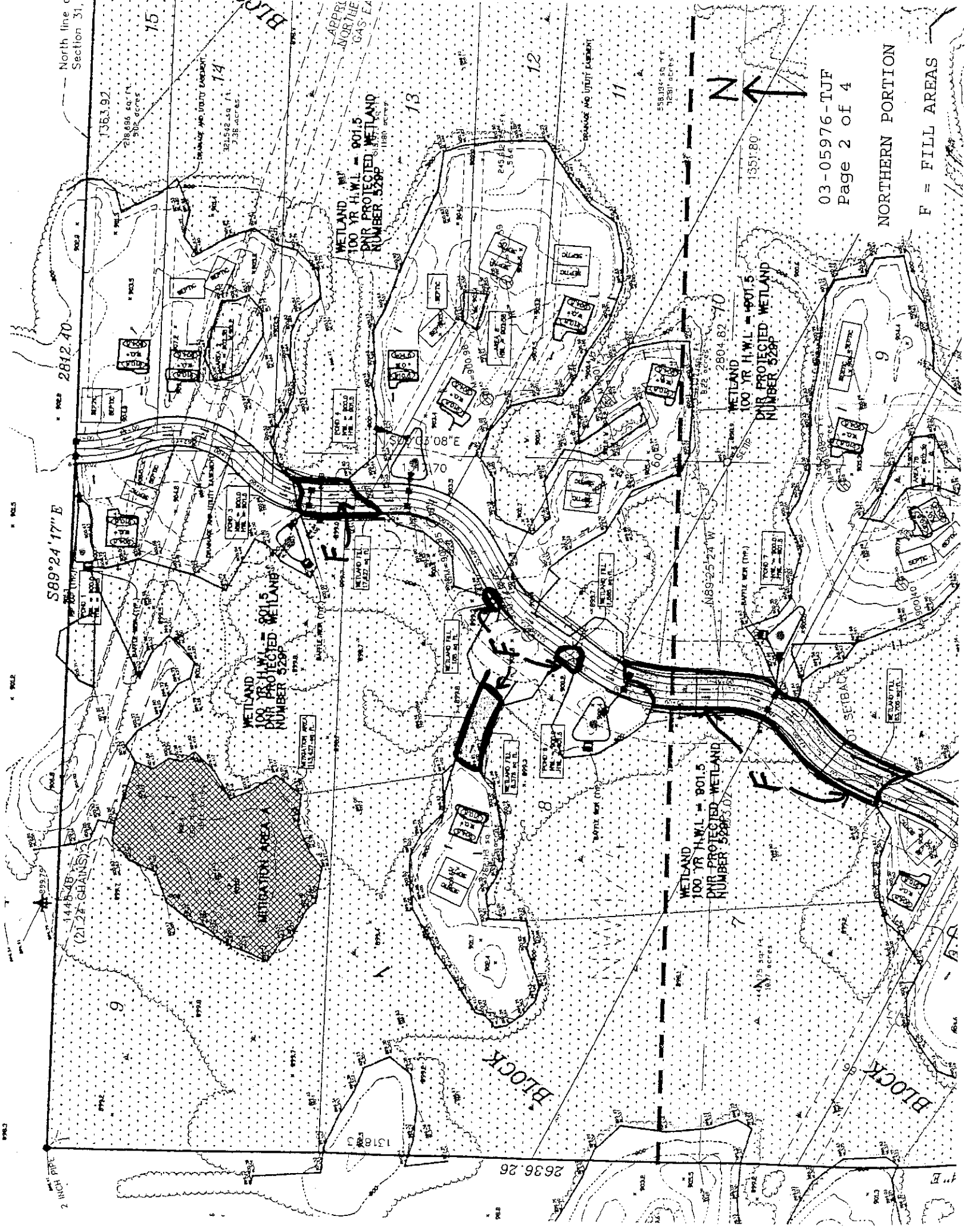
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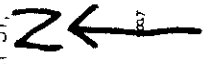
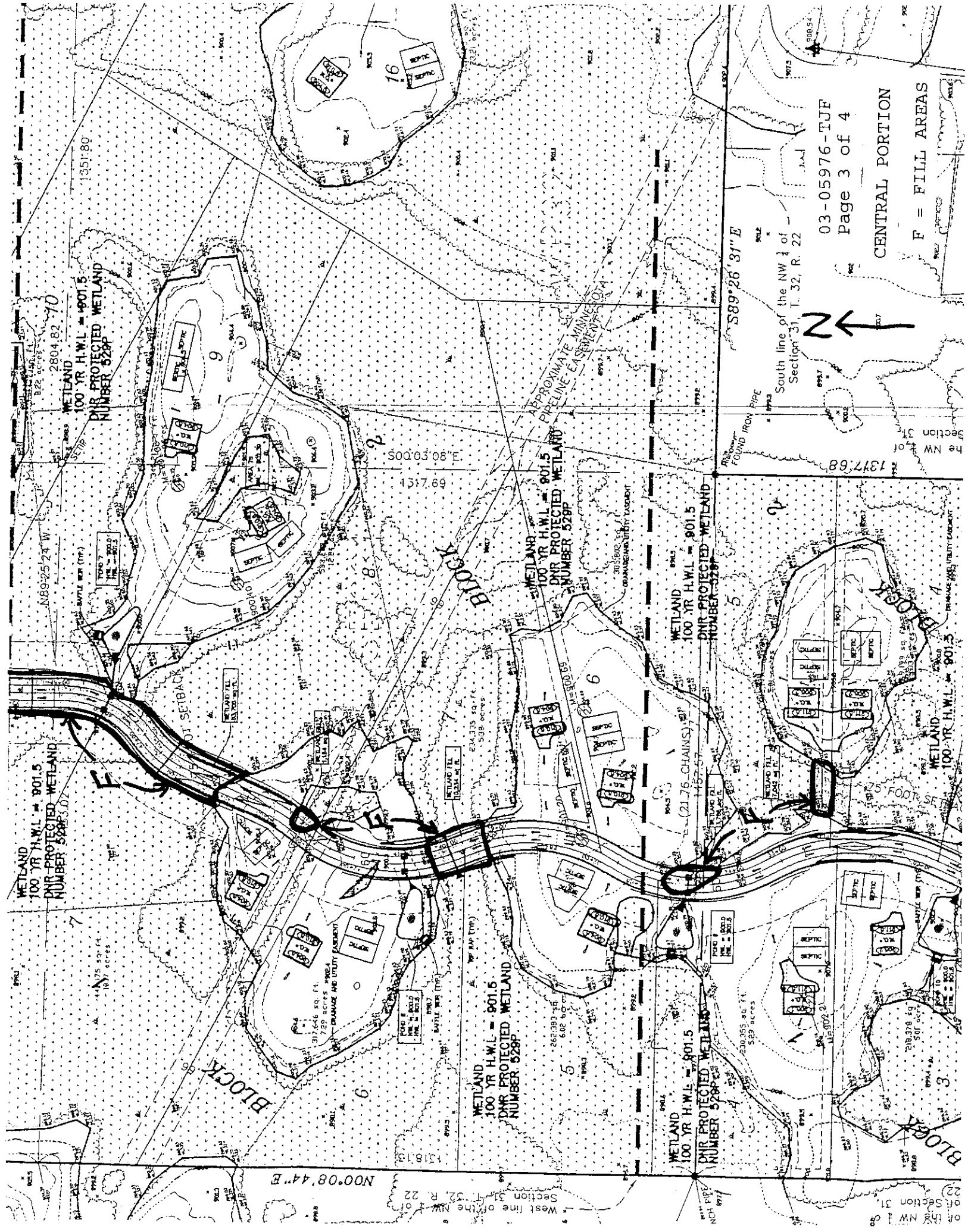
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NORTHERN PORTION

F = FILL AREAS



South line of the NW 1/4 of Section 31, T. 32, R. 22

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CENTRAL PORTION
F = FILL AREAS

WETLAND
100 YR H.W.L. = 901.5
DNR PROTECTED WETLANDS
NUMBER 328P3a

WETLAND 100 YR H.W.L. DNR PROTECTED NUMBER 528P

South line of the NW 1/4 of
Section 31, T. 32, R. 22

SOUTHERN PORTION

F = FILL AREAS

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